

To: Hall, William[Hall.William@epa.gov]
Cc: Ericka Farrell (farrell.ericka@epa.gov)[farrell.ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; O'Lone, Mary[o'lane.mary@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Julia Rhodes (Rhodes.Julia@epa.gov)[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Tue 6/2/2015 8:09:47 PM
Subject: FW: REACH: EPA File No.: 11R-14-r4

Hi Will –

I wanted to follow up in writing to see if you had any additional thoughts on Earthjustice's request. If you do can you please let me know or you can simply reply to the group.

Thanks,

Helena

From: Rhodes, Julia
Sent: Sunday, May 31, 2015 10:25 PM
To: Matthew, Dayna
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Moffa, Anthony; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Dorka, Lilian; Hall, William
Subject: Re: REACH: EPA File No.: 11R-14-r4

Hi. Just wanted to be sure folks saw the follow on email to this. We should contact Will about how to advise the recipient of the change of direction and to give an update on the status of ADR before moving forward.

Sent from my iPhone

On May 29, 2015, at 1:38 PM, Matthew, Dayna <Matthew.Dayna@epa.gov> wrote:

All,

With Julia's response in mind, I have a few thoughts to share. I recommend we conduct the interview for at least the following three reasons.

Ex. 5 - Deliberative Process

Thoughts?

Dayna

From: Rhodes, Julia

Sent: Thursday, May 28, 2015 7:31 AM

To: Golightly-Howell, Velveta

Cc: Wooden-Aguilar, Helena; Moffa, Anthony; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Dorka, Lilian; Matthew, Dayna; Hall, William

Subject: Re: REACH: EPA File No.: 11R-14-r4

Hi. From a civil rights perspective the decision to put the investigation into abeyance was not a legal requirement but a prudent use of enforcement discretion when resources are limited.

Sent from my iPhone

On May 27, 2015, at 5:20 PM, Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov> wrote:

Thanks Helena. Julia, what's CRFLO's legal advice re: conducting the requested interview while the parties are in ADR?

Velveta

From: Wooden-Aguilar, Helena
Sent: Wednesday, May 27, 2015 2:09 PM
To: Golightly-Howell, Velveta; Dorka, Lilian; Rhodes, Julia
Cc: Moffa, Anthony; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary
Subject: FW: EPA File No.: 11R-14-r4

All-

I have just received this email below. Thoughts?

Helena

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Wednesday, May 27, 2015 1:11 PM
To: Wooden-Aguilar, Helena
Subject: EPA File No.: 11R-14-r4

Dear Helena,

I'm writing with regard to EPA File No. 11R-14-R4, a complaint under Title VI of the Civil Rights Act of 1964 filed on behalf of the North Carolina Environmental Justice Network, REACH and the Waterkeeper Alliance, Inc. As you know, the case has been referred to alternative dispute resolution and we are pursuing this approach. We understand that EPA's investigation is put "on hold" during this process, see <http://www.epa.gov/civilrights/faq-adrt6.htm><http://www.epa.gov/civilrights/faq-adrt6.htm>, but complainants request that the Office of Civil Rights might interview Steve Wing in the interim given significant and extenuating circumstances.

As you know, Ex. 6 - Personal Privacy and one of his graduate students, Ex. 6 - Personal Privacy submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to school in proximity to the facilities, and also on the disproportionate impacts on the basis of race. Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Fortunately, he has a tremendous spirit and remains fully engaged in his work, and he is willing to set up an interview with OCR over the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Hall, William[Hall.William@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 5/29/2015 9:43:56 PM
Subject: Fwd: REACH: EPA File No.: 11R-14-r4

FYI only. We will be reaching out to you soon for your advice.

Helena Wooden-Aguilar
Assistant Director
US Environmental Protection Agency
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Date: May 29, 2015 at 5:39:06 PM EDT
To: "Matthew, Dayna" <Matthew.Dayna@epa.gov>
Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Moffa, Anthony" <Moffa.Anthony@epa.gov>, "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Farrell, Ericka" <Farrell.Ericka@epa.gov>, "O'Lone, Mary" <o'lane.mary@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Hall, William" <Hall.William@epa.gov>
Subject: Re: REACH: EPA File No.: 11R-14-r4

Proceeding is fine with me as long as Will doesn't view doing so as affecting the spirit or integrity of ADR. As you know, REACH is OCR's foray into ADR in quite some time, the process has rarely been used by OCR and we're working hard to build and strengthen relationships with OCR's myriad of stakeholders. Please let me know when Alan has been consulted and his response. Thanks.

Velveta

Sent from my iPhone

On May 29, 2015, at 11:38 AM, Matthew, Dayna <Matthew.Dayna@epa.gov> wrote:

All,

With Julia's response in mind, I have a few thoughts to share. I recommend we conduct the interview for at least the following three reasons.

Ex. 5 - Deliberative Process

Thoughts?

Dayna

From: Rhodes, Julia

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Subject: FW: EPA File No.: 11R-14-r4

All-

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Helena

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Wednesday, May 27, 2015 1:11 PM
To: Wooden-Aguilar, Helena
Subject: EPA File No.: 11R-14-r4

Dear Helena,

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As you know, [Ex. 6 - Personal Privacy] and one of his graduate students [Ex. 6 - Personal Privacy] submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to school in proximity to the facilities, and also on the disproportionate impacts on the basis of race [Ex. 6 - Personal Privacy]

[Ex. 6 - Personal Privacy] Fortunately, he has a tremendous spirit and remains fully engaged in his work, and he is willing to set up an interview with OCR over the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

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<image001.gif>

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delete the message and any attachments.

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 2/19/2015 4:30:57 PM
Subject: Fwd: REACH acceptance letters & draft preliminary case management plan.
REACH 11R-14-R4 Earthjustice Acceptance Letter - Final Draft.doc
ATT00001.htm
REACH 11R-14-R4 NC DENR Acceptance Letter - Final Draft.doc
ATT00002.htm
REACH prelim case management plan 2.19.15.docx
ATT00003.htm

FYI.

Lilian wants to review one last time before it goes to Cheryl.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "O'Lone, Mary" <OLone.Mary@epa.gov>
Date: February 19, 2015 at 11:08:38 AM EST
To: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Cc: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Matthew, Dayna" <Matthew.Dayna@epa.gov>, "Moffa, Anthony" <Moffa.Anthony@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>
Subject: REACH acceptance letters & draft preliminary case management plan.

Velveta-

I think the version of the letter that you circulated to Ken, etc. last night is an early draft. It looks like it might have been dated sometime in September. Perhaps Gwen only got hard copies of the draft letter after that date which is why she recirculated an old version.

Since that time, we've incorporated new language based on comments brought back to us from Avi & Ethan's meetings & shared drafts with OCR, Avi, Ethan, etc. that include

language re:

- [REDACTED] acceptance of a complaint for investigation means that the complaint has met these four criteria. It does not constitute an assessment as to the veracity of the allegations or represent a conclusion as to whether any Title

violation has occurred.

- [REDACTED] More discussion of ADR

- [REDACTED] Your request that we get rid of all the internal ccs & that Earthjustice get its own letter

- [REDACTED] And lists Helena rather than Ericka as the OCR contact

These are the clean versions of the last draft that Avi shared.

I have also included the current version of the REACH action plan.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]
To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 2/19/2015 4:26:48 PM
Subject: Re: REACH acceptance letters & draft preliminary case management plan.

Thx Mary.

I will work with Lilian to move the letters.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 19, 2015, at 11:08 AM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

Velveta-

I think the version of the letter that you circulated to Ken, etc. last night is an early draft. It looks like it might have been dated sometime in September. Perhaps Gwen only got hard copies of the draft letter after that date which is why she recirculated an old version.

Since that time, we've incorporated new language based on comments brought back to us from Avi & Ethan's meetings & shared drafts with OCR, Avi, Ethan, etc. that include language re:

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violation has occurred.

- More discussion of ADR

- Your request that we get rid of all the internal ccs & that Earthjustice get its own letter

- And lists Helena rather than Ericka as the OCR contact

These are the clean versions of the last draft that Avi shared.

I have also included the current version of the REACH action plan.

Thanks, Mary

Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

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<REACH 11R-14-R4 Earthjustice Acceptance Letter - Final Draft.doc>

<REACH 11R-14-R4 NC DENR Acceptance Letter - Final Draft.doc>

<REACH prelim case management plan 2.19.15.docx>

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]
To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 2/19/2015 12:47:21 AM
Subject: Re: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

I will have to cancel the team meeting.

I think we will have to draft an email to notify the Title VI POC's. She already sent a email to press and the political state folks.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 18, 2015, at 7:44 PM, "Farrell, Ericka" <Farrell.Ericka@epa.gov> wrote:

Wow my head was spinning reading this and I know yours is because it appears you and Lillian are ensuring this letter is finalized when we should again I will say have a full time admin for both Velveta and Title VI.

Does this mean our team meeting will be canceled tomorrow? We still have the staff meeting at 10.

There is no way to get all of the contact info from the DCRO's that they want to designate as a Title VI contact by 10am. Do they want the DCRO's Title VI contacts included as cc's in the letter or just be notified of the acceptance letter going out?

From: Wooden-Aguilar, Helena
Sent: Wednesday, February 18, 2015 6:56 PM
To: Farrell, Ericka
Cc: Covington, Jeryl
Subject: Re: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Great questions.

I am trying to get a handle on it and will this evening.

There are 2 things happening. The first is the cos has approved the revised 90 day sop. This is what we discussed as a team. Dayna has the lead on this and Velveta/she want the review team to be just me and OGC. I have explained to them my concerns with this approach but a decision has been made.

Regarding REACH, Mary and others developed a 90 action plan that was approved by the Adm. In that doc is the roll-out/outreach plan which identified the program POC's and who OCR must notify before the acceptance goes out.

I guess everything hit today and the Director is leading it all. OGC is trying to catch up.

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 18, 2015, at 6:48 PM, "Farrell, Ericka" <Farrell.Ericka@epa.gov> wrote:

Helena,

I am looking at all of this email traffic and lot of things as for the Title VI contacts and others being notified before the letter goes out I was not aware. Is this case being

managed by management and CRFLO instead of the case managers? What exactly will the case managers be responsible for especially if the case managers are not involved or made aware of decisions until after they are made?

From: Golightly-Howell, Velveta
Sent: Wednesday, February 18, 2015 6:16 PM
To: O'Lone, Mary; Wooden-Aguilar, Helena
Cc: Dorka, Lilian; Farrell, Ericka; Stein, Jonathan; Matthew, Dayna; Packard, Elise; Rhodes, Julia; Chang, Patrick; Whickum, Cheryl; Covington, Jeryl
Subject: RE: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Thanks so much for the reminder about Tom and Mark, Mary. What are the office that need to be notified Helena? How do you suggest that this notice be provided? We'll need to follow up with the DCROs. Helena, I'll wait to hear from you – following your consultation with Mary, Dayna and Lilian, as needed – on this next step.

Velveta

From: O'Lone, Mary
Sent: Wednesday, February 18, 2015 6:10 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Covington, Jeryl
Cc: Dorka, Lilian; Farrell, Ericka; Stein, Jonathan; Matthew, Dayna; Packard, Elise; Rhodes, Julia; Chang, Patrick; Whickum, Cheryl
Subject: Re: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Velveta-

Just a quick reminder that In the REACH action plan (which Dayna emailed had been approved by Gwen, etc.) there are a handful of offices that will need to be notified that the REACH letter is going out before it actually goes out. Also, the plan has you asking the relevant DCROs for a Title VI contact to be appointed that is imbued with responsibility and authority to provide assistance with the investigation.

Also, I think you'd told Mark Rupp & Tom Reynolds (?) specifically that they'd get a heads up before it went out.

I just want to make sure we don't forget about getting those ducks are in a row before the letter goes out.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

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Here's the letter that needs to be **put in final, signed by me, processed and disseminated tomorrow**. In addition to mailing it to Marianne Lado-Engleman, please arrange for it to be faxed to her at her NY and DC Earthjustice Offices and e-mail it to her. I'd like the letter **by 10 a.m.**, tomorrow. I'll turn it back immediately. Thanks.

Velveta

From: KeyesFleming, Gwendolyn
Sent: Wednesday, February 18, 2015 5:27 PM
To: Golightly-Howell, Velveta; Matthew, Dayna; Reeder, John
Cc: Carter, Asha
Subject: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf
2.doc

Use this version. Had a change. Thanks.

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]
To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 2/18/2015 11:55:40 PM
Subject: Re: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Great questions.

I am trying to get a handle on it and will this evening.

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202-564-0792 (office)

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To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 2/11/2015 11:27:56 PM
Subject: Re: REACH & question of ongoing related litigation. None found.

Ok. Thx!

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 11, 2015, at 6:22 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

Confirmation from OGC's law librarian that as far as we can tell, there is no currently ongoing litigation related to the allegations raised in the REACH complaint.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Turley, Jennifer
Sent: Wednesday, February 11, 2015 3:45 PM
To: O'Lone, Mary
Subject: RE: Would you be able to research something for me please?

Hi Mary,

I searched CourtLink, and still could not locate any current litigation. I also spoke with our Lexis representative, and she also could not locate any current litigation.

Please let me know if you have any questions, or need anything else.

Thanks,

Jennifer

Jennifer Turley

Law Librarian

ASRC Primus (Contractor)

OGC Law Library

US EPA Headquarters, Washington, DC

202-564-3972

turley.jennifer@epa.gov

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From: O'Lone, Mary

Sent: Tuesday, February 10, 2015 4:21 PM

To: Turley, Jennifer

Subject: RE: Would you be able to research something for me please?

Thanks so much for your help.

That complaint you found is why I am asking whether there is any litigation out there. I look forward to your email.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Turley, Jennifer

Sent: Tuesday, February 10, 2015 4:04 PM

To: O'Lone, Mary

Subject: RE: Would you be able to research something for me please?

Hi Mary,

I conducted a few searches in Lexis Advance, but didn't find any current litigation. I will conduct a few more searches tomorrow to verify more findings.

I did find a complaint filed by EARTHJUSTICE in September 2014 on the internet.
(<http://earthjustice.org/sites/default/files/files/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>)

Please let me know if you have any other questions.

Thanks,

Jennifer

Jennifer Turley

Law Librarian

ASRC Primus (Contractor)

OGC Law Library

US EPA Headquarters, Washington, DC

202-564-3972

turley.jennifer@epa.gov

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<http://www.surveymonkey.com/s/epalibsurvey>

From: O'Lone, Mary

Sent: Tuesday, February 10, 2015 2:59 PM

To: Turley, Jennifer

Subject: Would you be able to research something for me please?

Jennifer-

I am trying to figure out if there is any current litigation alleging that North Carolina's Department of Environment and Natural Resources General Permit Program for swine operations discriminates based on race, color, or national origin. I am

interested in litigation brought under any type of authority (e.g., state statute, federal civil rights statutes, equal protection clause of the Constitution).

Would you be able to do a search like that? I do not trust my legal research skills anymore.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]
To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Sat 2/7/2015 1:35:45 AM
Subject: Re: Marianne's Meeting Request/Updates

No I did not tell Ms. Whickum to schedule it. I specifically told her to connect with you before she scheduled anything. She said she would so I assumed she had. I would like to schedule a meeting with her and the Deputy so we can figure out how to efficiently get these things down right.

I know she is overburdened and I have taken away decision letters for your signature and other adm things I am doing. I recommend also that I handle engagement with MEL because it's clear there is confusion and I do not want to be blamed for boxing you, I, or OCR in. We should all be on the same page moving forward.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 6, 2015, at 8:25 PM, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

We need to make clear that we are not positioned to discuss REACH, Helena. Let's discuss approach w/OGC next week. BTW, I felt boxed in as Ms. Whickum had confirmed the meeting. I assumed that this was done at your request. Thanks.

Velveta

From: Wooden-Aguilar, Helena
Sent: Friday, February 6, 2015 5:28:35 PM
To: Golightly-Howell, Velveta
Cc: Dorka, Lilian; Matthew, Dayna
Subject: Re: Marianne's Meeting Request/Updates

No. I planned to follow up with her via email this evening and confirm the 17th per Ms. Whickum's email.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 6, 2015, at 5:01 PM, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

Hi Helena. Per our discussion this morning, did you have a chance to follow up with Marianne to let her know that one meeting is contemplated? As for our readiness to proceed with it, I've e-mailed Gwen to ask about whether we can go ahead and share the news on the progress report and policy paper per the communications strategy and indicated that, if so, we'd try to arrange Vernice's participation in the meeting.

Velveta

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Friday, February 06, 2015 1:46 PM
To: Whickum, Cheryl; Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta
Subject: [SPAM] RE: RESPONSE _ NC CAFO Drone Video Briefing

Dear Ms. Whickum:

Thanks for your voicemail message. Given the back and forth of calendar invites, I'm assuming at this point that we're scheduled to have a meeting on February 17th at 11:30. Is this correct?

It would be helpful to know the focus of this meeting. The email and invite suggest that it's a briefing on the CAFO drone video. I had thought we were scheduling a meeting in response to calls and emails that I had made and sent out to Helena Wooden-Aguilar to discuss the status of the jurisdictional determination in the NC CAFO Title VI complaint and the status of the investigation in the Arrowhead Landfill Title VI complaint.

If the call is with Ms. Golightly-Howell, I'd also appreciate any information on our request for a meeting with the Administrator to discuss Title VI compliance and enforcement efforts more generally.

Many thanks,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Whickum, Cheryl [<mailto:Whickum.Cheryl@epa.gov>]

Sent: Thursday, February 05, 2015 3:19 PM

To: Wooden-Aguilar, Helena; Marianne Engelman Lado

Cc: Golightly-Howell, Velveta

Subject: RESPONSE _ NC CAFO Drone Video Briefing

A Warm & Hearty...

Ms. Helena:

Per your request, the above has been "tentatively" scheduled for 2/17 or 2/18.

My apologies that Ms. Velveta's schedule for the rest of this month is booked, otherwise.

Thank you,

Cheryl Whickum

U. S. EPA

Office of Civil Rights

1200 Pennsylvania Ave, NW

WJC-North, Rm 2450, Mail Code: 1201A

Washington, DC 20460

202-564-4366 (Direct Line)

202-564-7272 (Office Line)

202-501-1836 (Fax Line)

From: Wooden-Aguilar, Helena
Sent: Friday, January 09, 2015 5:47 PM
To: Marianne Engelman Lado
Cc: Whickum, Cheryl; Golightly-Howell, Velveta
Subject: Re: NC CAFO drone video

Great. We will be in contact regarding scheduling ASAP. Talk to you soon and have a good weekend

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Jan 9, 2015, at 2:09 PM, "Marianne Engelman Lado"
<mengelmanlado@earthjustice.org> wrote:

Many thanks. It'd be great if we could get something on the schedule soon.

Thanks again,

Marianne

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Friday, January 09, 2015 8:36 AM
To: Marianne Engelman Lado; Whickum, Cheryl
Cc: Golightly-Howell, Velveta; Whickum, Cheryl
Subject: Re: NC CAFO drone video

Hi Marianne

Happy New Year to you! The Director's scheduler is Cheryl Whickum and she will be in contact with you ASAP regarding setting up a meeting. Cheryl is on email.

Thanks for checking in and we will talk soon.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Jan 8, 2015, at 6:48 PM, "Marianne Engelman Lado"
<mengelmanlado@earthjustice.org> wrote:

Helena,

Happy New Year.

I remain eager to touch base on the status of the complaints. At this point, I'm open in the morning tomorrow, or we can schedule something for next week. I was hoping at least to touch base, and perhaps the two of us might talk if it's hard to juggle additional schedules.

Best,

Marianne

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Friday, December 19, 2014 2:46 PM
To: Marianne Engelman Lado
Cc: Golightly-Howell, Velveta; Whickum, Cheryl
Subject: Re: NC CAFO drone video

Great. I will coordinate the calendars and email you. I think the 9th is a possible option as the Director will be returning to the office on the 8th of

January.

Happy Holidays to you.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Dec 19, 2014, at 2:41 PM, "Marianne Engelman Lado"
<mengelmanlado@earthjustice.org> wrote:

Yes, that'd be fine.

To get the ball rolling, my calendar is currently open on Tuesday the 6th after 3:30, on Wednesday the 7th, between 3 and 4:30, on Thursday the 8th after 4, and on Friday the 9th until 1 pm. I assume you'll want Monday the 5th to catch up!

It doesn't have to be during this same phone call, but I'd also like to touch base on the request for a meeting with the Administrator on Title VI issues more broadly, if you have any additional information or can be helpful.

I hope you're having a wonderful vacation and I look forward to speaking in the new year.

Best,

Marianne

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Friday, December 19, 2014 2:38 PM
To: Marianne Engelman Lado
Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena
Subject: Re: NC CAFO drone video

Marianne,

Thank you for your email. I am on vacation now and will not be back in the office until after the 5th of January. Can we look at calendars after the new year?

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Dec 18, 2014, at 10:24 AM, "Marianne Engelman Lado"

<mengelmanlado@earthjustice.org> wrote:

Helena,

I was hoping to touch base with you on the status of the jurisdictional determination in the North Carolina swine permit case, as well as the investigation into Alabama's permit of the Arrowhead landfill. Do you have time for a quick call this week? Or can we put something on the calendar for the first week in January?

In the meantime, I thought you and others working on the North Carolina swine permit case might find new video footage taken of swine facilities in North Carolina – and particularly the lagoons of manure – of interest. The video features both **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

statement that we plan to submit moving forward. See <http://FactoryFarmDrones.com>. The videographer was also interviewed in a piece that just came out in [Salon.com](http://www.salon.com/2014/12/17/open_air_cesspools_of_toxic_manure_the_disgusting_secrets) at http://www.salon.com/2014/12/17/open_air_cesspools_of_toxic_manure_the_disgusting_secrets

Many thanks for your attention to these matters.

I hope that you have a wonderful holiday and I look forward to hearing from you.

Best,

Marianne

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Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Martinez, Brittany[Martinez.Brittany@epa.gov]
To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 2/6/2015 6:47:11 PM
Subject: Fwd: [SPAM] RE: RESPONSE _ NC CAFO Drone Video Briefing
[image001.gif](#)

FYI.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Date: February 6, 2015 at 1:45:35 PM EST
To: "Whickum, Cheryl" <Whickum.Cheryl@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Subject: [SPAM] RE: RESPONSE _ NC CAFO Drone Video Briefing

Dear Ms. Whickum:

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It would be helpful to know the focus of this meeting. The email and invite suggest that it's a briefing on the CAFO drone video. I had thought we were scheduling a meeting in response to calls and emails that I had made and sent out to Helena Wooden-Aguilar to discuss the status of the jurisdictional determination in the NC CAFO Title VI complaint and the status of the investigation in the Arrowhead Landfill Title VI complaint.

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Many thanks,

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Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

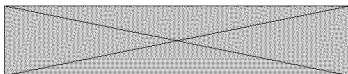
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Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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submitted

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

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Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 2/6/2015 6:46:38 PM
Subject: Fwd: [SPAM] RE: RESPONSE _ NC CAFO Drone Video Briefing
image001.gif

FYI.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

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Managing Attorney, Northeast Office

Earthjustice

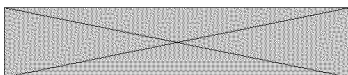
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Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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To get the ball rolling, my calendar is currently open on Tuesday the 6th after 3:30, on Wednesday the 7th, between 3 and 4:30, on Thursday the 8th after 4, and on Friday the 9th until 1 pm. I assume you'll want Monday the 5th to catch up!

It doesn't have to be during this same phone call, but I'd also like to touch base on the request for a meeting with the Administrator on Title VI issues more broadly, if you have any additional information or can be helpful.

I hope you're having a wonderful vacation and I look forward to speaking in the new year.

Best,

Marianne

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]

Sent: Friday, December 19, 2014 2:38 PM

To: Marianne Engelman Lado

Cc: Golightly-Howell, Velveta; Wooden-Aguilar, Helena

Subject: Re: NC CAFO drone video

Marianne,

Thank you for your email. I am on vacation now and will not be back in the office until after the 5th of January. Can we look at calendars after the new year?

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Dec 18, 2014, at 10:24 AM, "Marianne Engelman Lado"
<mengelmanlado@earthjustice.org> wrote:

Helena,

I was hoping to touch base with you on the status of the jurisdictional determination in the North Carolina swine permit case, as well as the investigation into Alabama's permit of the Arrowhead landfill. Do you have time for a quick call this week? Or can we put something on the calendar for the first week in January?

In the meantime, I thought you and others working on the North Carolina swine permit case might find new video footage taken of swine facilities in North Carolina – and particularly the lagoons of manure – of interest.

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Ex. 6 - Personal Privacy

moving forward. See <http://FactoryFarmDrones.com>. The videographer was also interviewed in a piece that just came out in [Salon.com](http://www.salon.com) at

http://www.salon.com/2014/12/17/open_air_cesspools_of_toxic_manure_the_disgusting_secrets_of

Many thanks for your attention to these matters.

I hope that you have a wonderful holiday and I look forward to hearing

from you.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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delete the message and any attachments.

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 5:34:39 PM
Subject: FW: REACH follow -up

Here we go!

From: Dorka, Lilian
Sent: Thursday, January 08, 2015 12:33 PM
To: Golightly-Howell, Velveta; O'Lone, Mary; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony; Covington, Jeryl
Subject: Re: REACH follow -up

Thanks Velveta - i did not realize you were back today. Great! here is the concern re movign this up. Avi asked not to go forward until we heard back from him after talking to Gina. As Avi has started that process and gotten that ball moving, and we have briefed him on the proposed course of action, etc., my recommendation would be to wait for Avi's word before we brief Gwen and John to let them know Gina has approved our moving forward and our proposed plan of action and brief them on those details.

From: Golightly-Howell, Velveta
Sent: Thursday, January 8, 2015 12:28 PM
To: Dorka, Lilian; O'Lone, Mary; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony; Covington, Jeryl
Subject: REACH follow -up

Thanks Lilian. Everyone, I'm back in the office today, as scheduled, and will be here tomorrow. At this point, I'd like to make Gwen and John aware of your contact with Tom, Lilian. I'd also like to share the salient points in your message re: the planned path forward. Is there any reason why this update should be delayed? Mary, Helena and Julia, this question is posed to you, too.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-7272

From: Dorka, Lilian
Sent: Wednesday, January 07, 2015 8:02 PM
To: O'Lone, Mary; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony; Covington, Jeryl
Subject: RE: REACH follow -up
Importance: High

Thank you Mary – very productive day in moving this case forward I think! We really appreciate your help! BTW, I have now sent you and Helena some of the language I promised earlier today – see under separate cover. In terms of next steps, wanted to let you all involved know that, as Avi requested, I reached out to Tom Reynolds in OPA. I could not find a # for him so I stopped by his office and met with him for about an hour. He understands our internal and external communication strategy and what our agreed upon messaging will be as reflected in our draft TPs., and my sense is that he is comfortable moving forward.

He is very much on board and appreciates our efforts to address the public affairs issues he raised at the meeting with Gina (as referenced by Avi.) He said he would be giving Avi a call to let him know he is comfortable with our approach and prelim action plan for moving forward and agrees that we need to go ahead and issue the letters as soon as possible once Gina approves and we hear back from Avi. Assuming Avi will be able to brief the Administrator soon and secure her agreement on issuing the letters, I committed to ensuring that before the letters are issued, we will (as you have already communicated to Avi):

- Brief Gwen/John on Administrator's decision, the draft action plan for moving forward (including the substance of the letters and critical "message points"), our internal/external communications strategy, etc.;
- Provide DOJ a heads up that we will be going forward, etc.;
- Final touch base with Tom in OPA;
- Touch base with Laura Vaught – Office of Congressional and External Affairs, etc.

Once the letter has been issued, we will immediately convene a case management team meeting to make sure we have full understanding of roles and responsibilities and the action plan as we prepare to carry out all of the critical steps we identified in the draft Plan via a "dual track" approach – in very short order. This will include:

- Pursue critical conversations with parties about informal resolution, including ADR;
- initiate internal fact finding protocol through engagement of DCROs, program offices, etc;
- commencing the investigative process, including, most importantly developing data request letter/request for information to the recipient.

Just wanted to memorialize a few of the many things we discussed today so that we are all on the same page. Obviously, more to come on this in the coming week.

Note that I will be out of the office tomorrow and Friday. Please feel free to call me on my personal cell if you have any questions about any of this. Ex. 6 - Personal Privacy Velveta and I will both be back in the office on Monday. Helena will be acting tomorrow and Friday and is also

available to answer any questions. Thanks all! Lilian

From: O'Lone, Mary

Sent: Wednesday, January 07, 2015 3:55 PM

To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia

Cc: Moffa, Anthony

Subject: REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3 discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 8/27/2014 4:40:56 PM
Subject: Re: URGENT: Call from Earthjustice

K. Here we go!

Helena Wooden-Aguilar
Acting Deputy Director
Office of Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Aug 27, 2014, at 12:39 PM, "Covington, Jeryl" <Covington.Jeryl@epa.gov> wrote:

FYI - The agency, North Carolina Department of Environment and Natural Resources (NCDENR), do not approve the siting of these facilities. NCDENR approves the technical feasibility, appropriate operations, etc. Location denial occur if such facilities are located near sensitive waters. Some locations are determined by corporate industry buying/contracting farmers that must comply with corporate standards for best practices in waste management.

These operations are in some instances developed in conjunction with USDA – Natural Resource Conservation Service, and conjunction with the local county field office.

Ex. 6 - Personal Privacy

From: Wooden-Aguilar, Helena
Sent: Wednesday, August 27, 2014 12:26 PM
To: HALIM-CHESTNUT, NAIMA
Cc: Mckinley, Lisa; Bailey, Rhonda; Lapierre, Kenneth; Golightly-Howell, Velveta; Covington, Jeryl; Rhodes, Julia; Gsell, Alyssa
Subject: Re: URGENT: Call from Earthjustice

Thanks for the email. I have copied Velveta and OGC on this message.

Let me talk with Velveta and OGC on approach because as you know we are communicating with OCR HQ on a number of fronts, including stakeholder engagement and Ex. 5 - Deliberative Process

Can we touch base with you/region by COB?

Helena

Helena Wooden-Aguilar

Acting Deputy Director

Office of Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Aug 27, 2014, at 12:13 PM, "HALIM-CHESTNUT, NAIMA" <Halim-Chestnut.Naima@epa.gov> wrote:

<image001.gif>

Helena

I received a call from MaryAnne Engelman-Lado, 212-845-7393 from EarthJustice today and she is interested in filing a complaint against the NC DNR for perceived violations of Title VI for issuing a state swine permit that will certify 200 swine facilities in NC. They do not know the locations of all of the facilities but they do know that many of them will be in disadvantaged communities based on disproportionate data for communities in NC. They plan to file by this Thursday.

They are interested in speaking with Region 4 (and HQ) personally about their approach, as well as having us tour facilities. I wanted to get your take on what we

should tell them and who you want to speak with them from this point forward?

I am including the Regional OCR team for their awareness.

Thank you.

Naima Halim-Chestnut, MAOM

Human Resources Officer, Acting

Human Capital Management Branch

U.S. Environmental Protection Agency, Region 4

61 Forsyth Street SW

Atlanta, GA 30303

Office: 404-562-9220

Ex. 6 - Personal Privacy

Email: halim-chestnut.naima@epa.gov

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Mckinley, Lisa[McKinley.Lisa@epa.gov]; Bailey, Rhonda[Bailey.Rhonda@epa.gov]; Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Gsell, Alyssa[Gsell.Alyssa@epa.gov]
To: HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 8/27/2014 4:26:15 PM
Subject: Re: URGENT: Call from Earthjustice

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Can we touch base with you/region by COB?

Helena

Helena Wooden-Aguilar
Acting Deputy Director
Office of Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

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<image001.gif>

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Ex. 5 - Deliberative Process

I am including the Regional OCR team for their awareness.

Thank you.

Naima Halim-Chestnut, MAOM

Human Resources Officer, Acting

Human Capital Management Branch

U.S. Environmental Protection Agency, Region 4

61 Forsyth Street SW

Atlanta, GA 30303

Office: 404-562-9220

Ex. 6 - Personal Privacy

Email: halim-chestnut.naima@epa.gov